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3736

PTO/SB/21 (05-03)

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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application Number | 09/974,654 |
| | | Filing Date | October 10, 2001 |
| | | Confirmation Number | 9928 |
| | | First Named Inventor | MATZINGER, DAVID |
| | | Group Art Unit | 3736 |
| | | Examiner Name | Not Yet Assigned |
| Total Number of Pages in This Submission 8 | | Attorney Docket Number | LIFE-045 |
| ENCLOSURES (check all that apply) | | | |
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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
| Signing Attorney/Agent (Reg. No.) | SUSAN C. TALL. 52,272 BOZICEVIC, FIELD & FRANCIS LLP | | |
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| Attorney Docket | LIFE-045 |
| First Named Inventor | MATZINGER, DAVID |
| Application Number | 09/974,654 |
| Confirmation No. | 9928 |
| Filing Date | October 10, 2001 |
| Group Art Unit | 3736 |
| Examiner Name | Not Yet Assigned |
| Title: "DEVICES FOR PHYSIOLOGICAL FLUID SAMPLING AND METHODS OF USING THE SAME" | |

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Sir:

Applicants submit herewith patents and/or publications which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56. While this Statement may be "material" pursuant to 37 C.F.R. § 1.56, it is not intended to constitute an admission that any patent, publication, or other information referred to therein is "prior art" for this invention unless specifically designated as such. A listing of patents and/or publications is shown on enclosed Form PTO-SB/08A and a copy of each patent and/or publication is also enclosed.

Each item of information contained in the Information Disclosure Statement filed herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement (37 C.F.R. 1.97(e)(1)). A copy of the communication is enclosed for the Examiner's convenience.

The Examiner is requested to make the citations listed on the enclosed PTO-SB/08A of record in this application. Applicants would appreciate the Examiner initialing and returning the initialed copy of form PTO-SB/08A, indicating the references have been considered and made of record herein.

No fee is believed due as this statement is being submitted within three months of the mailing date of the enclosed foreign communication. However, if it is determined that fees are required, the Commissioner is hereby authorized to charge any necessary fees associated with this communication or credit any overpayment to Deposit Account No. 50-0815, Order No. LIFE-045.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: 7/9/03

By: [Signature]
Susan C. Tall, Reg. No. 52,272

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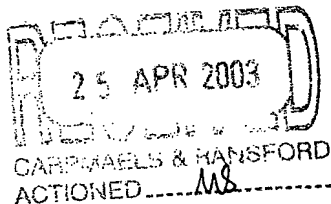
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Datum/Date

25.04.03

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| Zeichen/Ref./Réf. P032443EP | Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°. 02258029.4-2305- |
| Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire Lifescan, Inc. | |

COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☒ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

The following specifications given by the applicant have been approved by the Search Division:

☐ abstract

☒ title

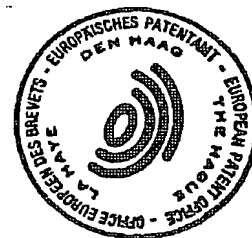
☒ The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract:

4

REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





| DOCUMENTS CONSIDERED TO BE RELEVANT | | | |
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| Category | Citation of document with indication, where appropriate, of relevant passages | Relevant to claim | CLASSIFICATION OF THE APPLICATION (Int.Cl.7) |
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| The present search report has been drawn up for all claims | | | |
| Place of search MUNICH | | Date of completion of the search 8 April 2003 | Examiner Lohmann, S |
| CATEGORY OF CITED DOCUMENTS | | | |
| X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document | | T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document | |

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 02 25 8029

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
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08-04-2003

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ABSTRACT / ZUSAMMENFASSUNG / ABREGE

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Methods and devices are provided for determining a suitable site for sampling physiological fluid. In the subject methods, a potentially suitable physiological sampling site is selected, the fluid flow of the site is characterized and the site is then determined to be suitable based on the whether the site has high or low flow. Suitability may also be determined based on the type of sample obtainable from the site, where the order of the above-described steps may be altered. The subject devices include at least one site flow characterization element (12) for determining the flow characteristics of a potential physiological sampling site and/or at least one sample type characterization element (14) for determining whether the vasculature is arterial, venous or neither, i.e., an interstitial fluid sampling site. The subject methods and devices are particularly suited for use in the detection of physiological sampling sites in the fingers, arms, legs, earlobes, heels, feet, nose and toes. Also provided are kits that include the subject devices for use in practicing the subject methods.